श्रीमन्, देश के पहाड़ी क्षेत्रों में विशाल पैमाने पर प्राकृतिक संसाधनों के दोहन के कारण गम्भीर पर्यावरणीय समस्याएं उत्पन्न हो रही हैं। भूस्खलन, बाढ़, भूक्षरण आदि के कारण पहाड़ी क्षेत्रों में रहने वाले लोगों को जीवन-यापन करना बहुत कठिन हो गया है। उनके लिए अनाज, चारा, पानी ईंधन इत्यादि अनेक समस्याएं हैं। इन क्षेत्रों को पर्वतीय क्षेत्र घोषित कर केन्द्र द्वारा विशेष आर्थिक सहायता देकर उनका आर्थिक विकास करने की दिशा में कदम उठाये गये हैं। उत्तर प्रदेश, आसाम, पश्चिमी बंगाल, तामिलनाडु तथा पश्चिमी घाट, केरल, महाराष्ट्र कर्नाटक तथा गोवा के पर्वतीय क्षेत्रों में यह कार्यक्रम क्रियान्वित किया गया है। मध्य प्रदेश में विन्ध्याचल तथा सतपुड़ा की पर्वतीय श्रेणियां हैं। वहां पर भी इसी तरह की परिस्थितियां विद्यमान हैं जिससे मध्य प्रदेश के इन क्षेत्रों को पर्वतीय क्षेत्र घोषित करना उचित होगा। इन पर्वतीय क्षेत्रों के निवासियों को भ यहां की वन सम्पदा तथा प्राकृतिक संसाधनों के अविवेकपूर्ण दोहन से देश के अन्य पर्वतीय क्षेत्रों की तरह कई कठिनाइयों का सामना करना पड़ रहा है। मध्य प्रदेश शासन ने इन पर्वतीय क्षेत्रों को पर्वतीय क्षेत्र घोषित कर विशेष आर्थिक सहायता देने हेतु केन्द्रीय सरकार से निवेदन किया है किन्तु अभी तक इस तरफ कोई कार्यवाही नहीं की गयी है। अतः, मैं इस विशेष उल्लेख के माध्यम से केन्द्र सरकार का ध्यान इस ओर आकर्षित कर निवेदन करता हूं कि मध्य प्रदेश के पर्वतीय क्षेत्रों को पर्वतीय क्षेत्र घोषित कर वहां के निवासियों की आर्थिक स्थिति सुधारने के लिए विशेष आर्थिक सहायता देने की कृपा करें।

REFERENCE TO THE SUPPLY OF ARMS TO PAKISTAN BY SWITZERLAND.

SHRI RAJNI RANJAN SAHU (Bihar): Sir, I am thankful to you for giving me an opportunity to raise this Special Mention.

The matter of supply of sophisticated arms to Pakistan has been a subject matter of serious concern and in the same context, I would like to draw the attention of the House as this being a matter of Urgent Importance.

Sir, Pakistan has been given a consignment of sophisticated arms worth 26 million Swiss francs by Switzerland during the first ten months of this year, 1986. Our Government should if they have not already done so, take up the matter with Switzerland as India has got good relations with that country. This is a new source of arms supply to Pakistan. I would request that the Government should take the country into confidence and share whatever knowledge it has with Parliament. Thank you.

THE DELHI APARTMENT OWNERSHIP BILL, 1986

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): Mr Vice-Chairman, Sir, I move:

"That the Bill to provide for the ownership of an individual apartment in a multi-storeyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and to make such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto as passed by the Lok Sabha, be taken into consderation."

Sir, an apartment ownership legislation for Delhi has been a long-felt need, especially in the changing pattern of the urban scene. It has become necessary to ensure judicious optimum utilisation of urban land resources and also to achieve maximum utilization of services. This has given rise to the requirement of construction of group housing instead of plotted housing which used to be the earlier practice. In consonance with this policy, the DDA is allotting only flats to individual applicants and land only to group housing societies. On the commercial side, due to the requirements of parking and on aesthetic and architectural considerations, the concept of integrated development has emerged and multi-storyed buildings are being put up where floor area is being allotted to individual commercial units. On the industrial side also, the concept of flatted factories has come into existence. In the institutional field, the Delhi Urban Art Commission has been insisting on integrated development of institutional areas and preparation of urban design form. The need for an apartment ownership legislation for Delhi has, therefore, arisen in order to provide for the ownership of an individual apartment and to make such apartment heritable and transferable as a unit of property.

Under the existing laws, in order to have full ownership over the building the person has to have ownership of the land as well. In a multistoreyed building comprising a number of apartments, even though the superstructure which forms the apartment is a separate entity divided by metes and bounds and can be owned independent of the other apartments, the same is not the case with the land on which the entire building stands. The owners of these superstructures can at best have only an undivided co-ownership in the land along with the other apartment holders. This joint co-ownership of the land comes in the way of easy transferability of the property. Also when a person is in need to mortgage the property to raise a loan, the property is to be mortgaged and a charge required to be created, not only on the particular apartment but also on the land, and unless all the owners of the land join, it is not possible to create a mortage and raise loans.

It is primarily to overcome these difficulties that it is proposed to have a legislation in Delhi whereby the apartment will be defined as a unit of property and the undivided share in the land would be looked upon as an adjunct to this property. In this manner the apartment would be capable of inheritance transfer, mortgage, etc. without reference to the other owners. Another reason for having this legislation is to conserve the undivided interests of the apartment owners in common areas and facilities. The legislation which is proposed, would clearly define what are the common facilities and services and at the time a building is completed, make it incumbent on the promoter/builder to clearly declare the common facilities and services.

The legislation is proposed to be made applicable to buildings on lease hold and free hold land, built by a private builder or the DDA.

So far as Cooperative Housing Societies are concerned, the Act will apply only in so far as it will make the apartment an individual unit of property which will be jointly owned by the Cooperative Society and the member of the Cooperative Society to whom the apartment is allotted. Apart from this, the maintenance of common facilities, the right of transferability, etc., will be as provided in the relevant rules under the Co-operative Societies Act.

Suitable provisions have been made in the Bill for protecting the interests of the lessor in the case of lease hold properties which is again a peculiar feature for Delhi.

To sum up, the object behind the proposed legislation is to enable the conferment of a heritable and transferable right in an apartment, including its proportionate

and undivided interest in common areas and facilities, in multi-storeyed buildings.

Sir, I commend the Bill for the consideration of the House.

The question was proposed.

SHRI NARAYAN KAR (Tripura): Mr. Vice-Chairman, Sir, I rise to support the Delhi Apartment Ownership Bill, 1986, although it has been brought forth very belatedly. All those who had purchased flats or apartments were demanding these facilities, provided in this Bill, for a long time.

Sir, I thank the honourable Minister for bringing this Bill which will help those persons who are buying flats or getting them through the cooperative societies, etc. But the number of such persons who are in a position to buy apartments is only two or three per cent and only they will be benefited by this legislation. In Dehli several lakhs of people live in slums, *jhuggis*, etc. The Government is not thinking about them. No steps have been taken to improve their condition.

In our country, 63 per cent of the people live in rural areas and 37 per cent in the urban areas. For all those who have no houses, the Central Government has repeatedly assured that housing provision will be made for them. Sometime back, one seminar was held at Delhi where a United Nations expert, Dr. L. Ramachandran, was also present. In that seminar, Dr. Ramachandran said—

> "The lack of adequate political will was actually holding up the programme of housing for the homeless in India."

We also see that today, not only in Delhi but in U.P. also there are 18 lakhs of people who have no roof over their heads. In Bombay, there are 28 lakhs of people who live in jhuggis. In Calcutta, there are 30 lakhs of such people, and in other cities like Madras, Bangalore, etc., the condition is the same. For all this multitude of unfortunate people the Government is not taking any worth-while steps. They are, of course, talking about a Housing Bank, etc., and some funds have been allocated in the Seventh Five-Year Plan for this purpose. But this is a very giant-like problem and adequate effective steps are not being taken to solve it. In this context the UN expert referred to earlier, made a statement. I quote:

> "In India 63 per cent of the people live in rural areas, and 37 per cent live in urban areas. There is an urgent need to create a Ministry of Human Settlement both in the Centre and in the States."

Then, Sir, there are Some Government agencies like the HUDCO who render some help in housing matter. But their activity is mostly confined to big cities like Delhi. In smaller towns where the population is two, three or four lakhs, the HUDCO is not functioning. I request the hon. Minister to see that the HUDCO and similar other agencies should function in these small towns also so that the Government employees and other living in the small towns may also get the benefit. This Delhi Apartment Bill is applicable to Delhi only. I think that it would be better if the Government of India persuades the State Governments to bring forth similar bills in their respective States also so that the people going in for apartments there may derive the benefit of ownership of their flats which will facilitate obtaining of loans from the banks and other financial institutions as well as sale of their flats if the need arises. These advantages of ownership of property should be made available to the flat-owners all over the country.

I want to say something about the condition prevailing in Delhi. Sir, the working of the DDA has been discussed many times in this House before. The flats or apartments constructed by the DDA are very defective. Within a few days of their construction it is found that the walls develop cracks, the roofs start leaking. The doors and the windows are of substandard material. Apart from other facilities, amenities like drinking water supply, electricity supply etc. are not provided for a long time.

[*Shri* Narayan Kar]

The flats that are being constructed under the co-operative housing system also have similar type of complaints. The Government has to ensure that these flats are constructed according to approved specifications. I would request the hon. Minister to see that in future such flats and apartments are constructed in accordance with approved specifications.

Now, I want to say a few things about private builders of multi-storeyed apartments. We know that in our country the urban land ceiling has not been enforced. Taking advantage of that, those constructing multi-storeyed apartments will sell that flats at exorbitant prices. The actual prices will not be disclosed even to the Government, and this process will generate black money in the hands of the private builders.

The rents of the flats in the multi-storeyed buildings should also be fixed by the Government. It is common experience that if one goes to rent a flat, about one lakh of rupees have to be deposited in advance which is called 'pugree', and over and above that a heavy rent is charged. This practice is going on in Delhi. The Government should see to it that these private owners may not cheat the people in this manner. Some legal provisions should be made to check this.

With these words, Sir, I thank you and support this Bill.

SHRIMATI KRISHNA KAUL (Uttar-Pradesh): Mr. Vice-Chairman, with your permission, I rise to speak on, and to support, the Delhi Apartment Ownership Bill, 1986 as proposed by the hon. Minister for Urban Development, Shrimati Mohsina Kidwai.

Let me, at the outset, congratulate the hon. Minister for moving it. It is a welcome step towards amelioration of hardships and harassment faced by the middle and the lower-middle classes of house-owners. It meets their long-standing need, and it was eagerly awaited by the people of this metropolis.

Sir, the explosion of population, the glamour of urban life as against the rural, the strong and compelling pull of the cities and the consequent mad rush towards them, has resulted in a fast-changing urban scene. It has led to an ever-enlarging, ever-increasing number of slums, of pavement dwellers, *jhuggis* and *jhopar pattis* on the one hand and the unmeetable, uncopable demand for land on the other. The price of land has registered an unprecedented increase. Over the years the twin factors of demand for housing and scarcity of land coupled with the high cost of integrated development of a new area of acquired land led to planning and taking measures for going in for vertical growth and development in building construction as against horizontal expansion. Group housing has taken place of plotted housing to ensure judicious and optimum utilisation of developed land. Multistoreyed buildings are being constructed to meet residential and commercial requirements.

.00 P M

These measures have no doubt helped in accommodating a large number of people on a small piece of land but they also created complications. Flats in the multi-storeyed buildings could be owned separately, independent of other apartments, but the land on which they stood, could not be bifurcated. It continued to remain in joint ownership, making it impossible for the apartment owner, either to transfer it or if need be, to mortgage it, with a bank or with any other financial institution, without the signatures of all the flat owners in the complex, the land owner or the cooperative society. The owner could at best have only an undivided co-ownership with the other apartment holders.

Obviously banks would not advance loans in the absence of a clear title. As such apartments were being mostly purchased by the rich people for investment purpose and not for occupation.

The Delhi Apartment Ownership Bill, 1986 is a most welcome measure, as it seeks to make an apartment in a multi-storeyed building, a complete unit of property like any other immovable property and the undivided share in the land as an adjunct to the property.

I hope that this much desired Bill will enable the people belonging to middle and the lower middle classes specially the salaried class and working women to avail of the opportunity of owning apartments.

It will now be possible for them to secure various facilities offered by the Government and financial institutions like getting loans at a low rate of interest.

Sir, this legislation will be applicable to buildings on leasehold and freehold lands and to the buildings built by DDA or private agencies. Provision has been made to protect the interest of the leassee in case of leasehold properties.

So far as the cooperative societies are concerned, the apartment will be owned by the individual as per rules of the society.

Sir, may I remind the hon. Minister about the functioning of these cooperative housing societies? They have been a source of a lot of trouble to the poor apartment owners. I would request the Government to ensure right at the time of the registration of a cooperative society that proper case is taken and verification done about its genuineness and its credentials.

The Government are aware that very often, dishonest, unscrupulous people from a cooperative society collect money and later on cheat or harass the desparately needy middle class people, who are keen to have a roof of their own over their heads. Unauthorised sale of Government land or of local bodies or of land privately owned, falsification of land records, illegal constructions, with resultant all-round confusion, long drawn out litigations etc., are only too well-known and do not merit any details.

It is reported that there are about 380 cooperative housing societies registered in Delhi, many of which have been committing serious irregularities, like unauthorised constructions, structural changes in building plans, delay in construction, non-development of site, etc, etc. It is also reported that the number of these irregularities has gone upto about 4.50,000. Many undesirable or fake housing cooperative societies have got registered, have taken advance money from individuals and indulge in all sorts of malpractices and illegalities.

I would most humbly, but strongly urge the Government to fully enquire and make sure, about the origin, the background, the capacity and the capability of a society before recognising and registering it as a cooperative housing society. In this connection, may I most humbly suggest that there should also be compulsory registration of Cooperative Housing societies with the Housing Department as well and Sir, it is equally important to undertake cross-checking of the actual number of houses owned by one individual. Efforts to detect benami ownership have also to be made, so that it may not become a business with some unscruplous people to indulge in purchase and sale of apartments on premium and thus misuse the benefits accruing from this Bill.

Sir, there appears to be no mention for imposition of penalties and punishment in the Bill in case of violation of rules. May I request Sir that provision should also be made for the imposition of heavy penalities and taking of criminal action for circumventing, dodging and violation of rules.

Sir, the proposed Bill ensure that the builders of multistoryed buildings do not harass the occupants of the apartments so far as common facilities like parking space for vehicles, access to common areas etc. are concerned. The act will clearly define such common facilities.

Sir, may I submit that before alloting land to any society for building of multi storied structures, Government should see that enough land is available for parks, playing land for children, for parking of vehicles, etc, and that, it in no way, causes congestion, unhygienic conditions and pollution in the atmosphere. Once a pucca building comes up, it is difficult to demolish it, it may be easy to remove hundred of jhuggies and jhoparies.

The next point which I would like to suggest is with regard to the time limit for completion of the building. May I submit that while prescribing this time limit, extension of time in completion of the construction should be allowed in case

[Smt. Krishna Kaul]

of genuine reasons or circumstances beyond the control of the builder. This will safeguard against avoidable harassment of the beneficiaries.

Now, a word about the registration fee or the stamp duty. As far as I understand an individual person who constructs a house for himself is not required to pay any registration fee for the cost of construction, but an apartment purchaser as to pay registration fee for the entire cost of the apartment. This will mean an extra burden on his meagre resources as against the rich. May I suggest to the Hon'ble Minister to save the poor middle class buyers of the apartments from this extra finanical burden?

Sir, another, very important and significant area of complication and harassment to apartment owners concerns construction defects. Use of sub-standard material has assumed the status of a normal phenomenon. The apartment builders/promotes whether they be private agencies, cooperatives or the DDA cannot be questioned on the soundness of the construction or of the apartment, once it has been cleared and certified by the relevant authority. The allottees have to gratefully accept the apartment on "as is where is" basis obpiously because beggars cannot be chooser. The DDA refuses with impunity and codified authority, to entertain complaints regarding the quality of material used, workmenship or any structural defect. I quote:

> "The Property is being offered on "as is where is" basis. The DDA will not entertain any request for additions and alterations or any complaints whatsoever regarding property 'circumstantances' as defined in Para 19 by the Regulations referred to above or about cost of flats, its designs, the quality of materials used, workmanship or any other defect."

I would most earnestly submit, that rules regarding passing of building plans should be strictly adhered to and completion certificates issued only after thorough and complete checks by more than one authority, that is, some outside independent agency, alongwith the regular or usual staff. Then alone can the apartment owners derive the benefits to which they are entitled. Otherwise, they will individually be running hither and thither for rectification of minor defects, or quarelling among themselves, striving to raise funds frrom their co-flat owners etc., for removal of major defects in the super-structure.

While permitting multi-storeyed Buildings the provision for fire fighting equipment, their uptodate upkeep, and ready availability fire escapes etc. is another area which needs careful and periodic monitoring by a responsible and accountable authority. Now a word about the use of the apartment for purposes other than residential. (*Interruption*)

SHRI NIRMAL CHATERJEE (West Bengal): Mr. Vice-Chairman, Sir, it is a very comprehensive speech.

THE VICE-CHAIRMAN(DR. BAPU KALDATE): I thought, she will be completing in a minute or two.

SHRIMATI KRISHNA KAUL: It has been observed...

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Madam, you can speak after 5-00.

SHRIMATI KRISHNA KAUL: Half a minute more.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): All right.

SHRIMATI KRISHNA KAUL: It has been observed that sometimes, owners or tenants set up industries or furnaces in their flats which pollute the air. The continuous noise and smoke and smell of chemicals, etc. is a nuisance and health hazard for other apartment dwellers. Immediate criminal and non-criminal action, as provided under various laws and rules, should be taken against such people and it should be ensured that the laws are strictly enforced.

Sir, at times even the parking space is let out by unscrupulous persons for temporary construction of shops, godowns, cow-sheds, etc. In such cases, the inspecting staff has to be made responsible and answerable and should be punished for any laxity or connivance.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Madam, you can speak very calmly after 5-00. Our adjourning time is 1 o'clock.

SHRIMATI KRISHNA KAUL: The last point which I would like to make is with regard to the vacation of the apartment by a tenant in case it is rented out by the owner while working or living out of station. House-owners prefer to lock their flats, for if once they are rented out, it is almost impossible to get them back. There should be some provision in the Act itself, for setting a time-bound period, time-limit, for the vacation of the flats, in case the owner requires it for his own use. Special provision should be made for immediate vacation of flats belonging to women and defence personnel so that they may get them back on their retirement without delay.

In the end, I again congratulate the hon. Minister for bringing this Bill. The U. N. General Assembly has declared 1987 as the International Year for the Homeless. The hon. Minister has already announced the establishment of a National Housing Development Bank for which Rs. 250 crores have been earmarked in the Seventh Five Year Plan. I am confident that with the concerted and combined efforts of the State Housing Boards, housing construction companies, group housing cooperative societies and the Ministry of Works and Housing it will be possible to achieve the target of providing housing facilities to our countrymen and meeting the existing shortage of 2.47 crore houses in the country as envisaged by our worthy Prime Minister, Shri Rajiv Gandhi.

With these words, I support the Bill. Thank you.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): The discussion on the Bill will continue after the disposal of Private Members' business. The House now stands adjourned till 2-30 p.m.

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The House then adjourned for lunch at thirteen minutes past one of the clock.

The House reassembled, after lunch, at thirty three minutes past two of the clock. **The Vice-Chairman (Dr. Babu Kaldate)** in the Chair.

THE CONSTITUTION (AMENDMENT) BILL, 1986 (TO AMEND ARTICLE 19)

SHRI CHITTA BASU (West Bengal): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce the Bill.

THE BOMBAY PREVENTION OF BEGGING DELHI (AMENDMENT) BILL, 1986

SHRI CHITTA BASU (West Bengal): Sir, I beg to move for leave to introduce a Bill to amend the Bombay Prevention of Begging Act, 1959, as extended to the Union Territory of Delhi.

The question was put and the motion was adopted.

SHRI CHITTA BASU: Sir, I introduce the Bill.

THE BANKING COMPANIES (TAKING OVER OF MANAGEMENT) BILL, 1986

SHRI GURUDAS DAS GUPTA: (West Bengal): I beg to move for leave to introduce a Bill to provide for the taking over of management of the undertakings of the Banking Companies specified in the Schedule for a limited period with a view to securing their proper management so as to subserve the public interest and for matters connected therewith or incidental thereto.

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA: Sir I introduce the Bill.